



HON. SYLVIA O. HINDS-RADIX  
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December 6, 2023

*Via ECF*

Granted.

The Honorable Robert W. Lehrburger  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

SO ORDERED:

12/7/2023

HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Re: Ware v. Brann, et al., No. 21 CV 2028 (PGG)(RWL)

Dear Magistrate Judge Lehrburger:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, the Honorable Sylvia O. Hinds-Radix, attorney for Defendants in the above-referenced action. I write to respectfully request a brief, 4-day extension of the briefing schedule for the parties' cross motions for summary judgment in this action.

This extension is requested due to a recent unexpected illness that resulted in a period during which I was out of the office, resulting in time lost for the cross motion's finalization, as well as the need to adjust and to meet various case deadlines affected by my absence. As such, I respectfully request a brief, 4-day extension to December 12, 2023, of Defendants' time to cross move.

The requested 4-day extension would adjust the deadlines as follows: <sup>1</sup>

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Defendants' cross-moving and opposition papers due on or before	December 8, 2023	December 12, 2023
Plaintiff's reply and opposition papers due on or before	January 18, 2024	January 22, 2024
Defendants' reply papers due on or before	February 12, 2024	February 16, 2023

This is the third request by Defendants for an extension of the parties' briefing schedule on their cross motions for summary judgment, the first having been granted on October 23, 2023, (ECF No. 111), and the second on November 27, 2023, (ECF No. 114). Due to Plaintiffs' incarceration and his *pro se* status, I am unable to receive his consent to this application in advance of its submission.

I thank the Court for its consideration of this request.

Respectfully yours,

/s/ David S. Thayer

David S. Thayer

cc: ***Via First-Class Mail***  
Walter Ware  
ID#22B1979  
Green Haven Correctional Facility  
P.O. Box 4000  
Stormville, NY 12582  
*Plaintiff pro se*

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<sup>1</sup> Plaintiff did not file any moving papers. As such, Defendants' proposed briefing schedule excludes this deadline.